

Clinton, Nadler, and Maloney: New GAO Report Confirms Serious Problems with EPA WTC Indoor "Test and Clean" Program and Preparedness for Future Disasters

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WASHINGTON, D.C. – Senator Hillary Clinton (NY), Congressman Jerrold Nadler (NY-08), and Congresswoman Carolyn Maloney (NY-14) today unveiled a newly released Government Accountability Office (GAO) report that details serious flaws in the Environmental Protection Agency's (EPA) second program seeking to address the indoor contamination resulting from the September 11, 2001, attacks on the World Trade Center, as well as the Agency's ability to deal with future disasters involving indoor environmental impacts. The GAO is the non-partisan investigative arm of Congress charged with auditing and evaluating Government programs and activities.

The report also found that the EPA ignored the advice of its own technical experts -- members of the "EPA World Trade Center Technical Review Panel" -- in the development of the plan, and that 16 out of 18 of the panel members did not endorse the plan. As such, a majority of the panel members now believe that the EPA's process was "unsuccessful" at "identifying unmet public health needs"; and "characterizing any remaining [environmental] risks"; or responding "to the concerns of residents and workers affected by the disaster." Further, the independent analysis concluded that EPA's early inaction led to its total failure, to date, to properly "characterize" the extent of the WTC contamination and that the EPA officials misled the public when they mischaracterized the results of earlier asbestos testing.

The subject of the GAO's report is the EPA's second post-9/11 indoor cleanup program, called "Test and Clean," which was announced in December of 2005 and is currently underway. The EPA's first post-9/11 testing and clean up program was conducted in 2002 and 2003 and involved fewer than 4,200 of over 20,000 lower Manhattan residences, and none of the over 330 commercial and public buildings below Canal Street. That first program was forcefully criticized by EPA's own Inspector General (IG) for, among other things, its voluntary nature, failure to meet the minimum legal criteria for protecting human health, use of sub-par testing equipment and non-aggressive methodologies, tests limited to only one of the many contaminants of concern (asbestos), use of arbitrary geographic boundaries that excluded areas such as Brooklyn and lower Manhattan above Canal Street, and for excluding workplaces. In response to the IG report and to the serious air quality concerns raised by Senator Clinton and Representative Nadler, the EPA convened the World Trade Center Technical Review Panel in March 2004 to ostensibly address these failures by developing a second plan.

The report found that the EPA's second program fails to include many of the recommendations made by the EPA IG and/or the panel members themselves, including 1) no extension of the geographic boundaries to include Brooklyn and lower Manhattan above Canal Street; 2) no inclusion of workspaces; 3) a continued failure to use health-based benchmarks; 4) failure to treat buildings as a whole by testing HVAC systems; and 5) failure to test or clean in "hard to reach" areas (such as under beds or behind refrigerators).

EPA's approach to funding the program is itself a serious flaw, the GAO found, as the plan was designed not around a "comprehensive cost estimate," but around a cap of the remaining \$7 million from the previous program. And finally, the report notes that the second plan completely fails on arguably the most important recommendation from the IG: to develop an approach to determine or "characterize" the actual extent of the World Trade Center contamination in the New York metro area.

Looking forward, the report also warns that the EPA is not prepared to respond to future disasters that have an indoor contamination component because, among other things, the EPA has still "not developed protocols on how and when to collect data to determine the extent of indoor contamination."

"Today's GAO report confirms the Bush Administration's incompetence and indifference to the health threat posed by indoor contamination from the toxic cloud that filled the air in the aftermath of the 9/11 attacks. The EPA

and the Bush Administration ignored the advice of scientific experts, dragged their heels, and failed to produce a real program to test for and clean up toxic World Trade Center dust in people's homes and offices. Where the Bush Administration and EPA have failed, we must do everything we can to succeed. We need a new clean up program from the EPA and a renewed commitment to be better prepared for future disasters," said Senator Clinton.

"For six years, we have demanded that the EPA fulfill its legal mandate to protect public health by telling the truth about post-9/11 air quality and by implementing a scientifically sound testing and cleaning program to address indoor contamination. It has absolutely failed on both fronts," said Congressman Nadler. "The GAO report confirms the horrible reality that to this day, due to their negligence and inaction, the EPA cannot say with certainty that even a single building in the area is free of World Trade Center contamination. As such, we cannot know how many more people will become sick because of lingering environmental toxins in their homes, workplaces and schools. The Administration must act immediately to design and implement a new, proper testing and cleaning program and fully fund long-term, comprehensive health care for those who are, and will become, sick."

"The EPA's two 'test and clean' programs bear the hallmarks of this Administration: incompetence and failure to learn from mistakes," said Congresswoman Maloney. "I thank Senator Clinton and Congressman Nadler for keeping the pressure on the EPA to do its job and protect those who live, work or go to school downtown."

In testimony before a June Senate hearing chaired by Senator Clinton, the GAO announced preliminary report findings concluding that EPA did not fully inform the public about the results of the first testing and cleaning program, stating that "more complete information would have allowed the public to make informed choices about participation in its most recent voluntary program." Notably, the GAO found that EPA mischaracterized the asbestos testing results from the first program, when EPA officials publicly reported that a "very small" number of samples exceeded risk levels. The GAO said EPA did not tell the public that over 80 percent of the samples were taken after the residences were professionally cleaned. The report further noted that given that only 20 percent of eligible residences were tested, the results may not have been fully representative, as the sample size was too small.

The GAO report makes several recommendations for the EPA, namely, that it should communicate risks to the public by presenting environmental data in a clear and appropriate context, create guidelines for estimating program costs, and swiftly develop protocols that specifically address indoor contamination. GAO notes that if the EPA continues to fail in its responsibility, "important public health needs, including resident and worker health, may not be promptly addressed."

The report was prepared by the GAO at the request of Senator Clinton and Reps. Nadler and Maloney, and is entitled "World Trade Center: EPA's Most Recent Test and Clean Program Raises Concerns that Need to be Addressed to Better Prepare for Indoor Contamination Following Disasters," and is available at <http://www.house.gov/nadler/wtc/docs/GAOEPAWTCReport092007.pdf>.

Senator Clinton and Congressman Nadler are pursuing companion investigations of the federal government's response to environmental impacts of the World Trade Center attacks, and held the first-ever comprehensive hearings on this matter in June of this year. For more on the Senate hearing, go to <http://clinton.senate.gov/news/statements/details.cfm?id=277387&>. For more on the House hearing, go to http://www.house.gov/apps/list/press/ny08_nadler/FedEnvironRespWTCWhitman

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